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## Mexico

### Market Development Reports

### Labeling Requirements

**2009**

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**Report Highlights:**

This report contains the General Labeling Specifications rule for Pre-Packaged Foods and Non-Alcoholic Beverages. Currently the regulation is under review by the Mexican government.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Annual Report  
Mexico City ATO [MX2]  
[MX]

The Mexican Department of Economy (Economia) is currently revising the General Labeling Specifications rule for Pre-Packaged Foods and Non-Alcoholic Beverages. The rule applies to products of Mexican origin and imported products for the retail market. The revised regulation was expected to be published by mid-year 2008, and was not expected to have a significant impact on U.S. trade. At the time of publication Economia was in the process of creating a new working group/committee, which will be made up of representatives from the local food and beverage industry to review NOM51. Apparently the former group could not reach an agreement in order to finalize a workable draft.

#### **BACKGROUND:**

In order to comply with a five-year mandatory review of the labeling for pre-packaged foods and non-alcoholic beverages (NOM-051 (NOM-051-SCFI-1994) standards mandated by Mexican law, Economia (Department of Economy) initiated a review in 2008. The new rule will replace the existing rule which went into effect on July 1, 1997 and was revised, for the first time, in 2002. Economia is meeting with interested parties including the PROFECO (Procuraduria Federal del Consumidor), the Mexican consumer protection agency, which also enforces the regulation during the actual product sale; and COFEPRIS (Comision Federal Para la Proteccion Contra Riesgos Sanitario), the Federal Commission for the Protection against Sanitary Risks.

Economia expected the review process to last no longer than six months followed by a sixty day public comment period. When the draft regulation is published for comment, it will be simultaneously notified to the WTO under the TBT Agreement and to the NAFTA parties under provisions in Chapter 9. According to Economia officials, the revised rule will comply with CODEX Alimentarius and other international standards. As of the date of this report, the sixty day public comment period had not begun.

The existing rule and the current draft state that nutritional information and date mark (i.e., expiration and/or "best before" dates) are voluntary. If this information is to become mandatory -- as is advocated by some outside interests-- it would have a more significant impact on domestic and foreign manufacturers. Economia states that unless these changes make logical sense they will remain voluntary. Economia emphasizes their intent to ensure that regulations comply with international standards and do not create a barrier to commercial trade.

Economia expects claims about health benefits of food on packaging to be a possible area of controversy. Companies are pushing for more relaxed regulations regarding health claims on labels. Economia insists that all claims must be scientifically based.

The draft, as with the existing rule, mandates the following requirements. Keep in mind that these are subject to change in the future.

### Labeling Regulations for Food and Non Alcoholic Beverages for the Retail Market – NOM 51

Labeling sections	Ref. #	Details
Generic Product Description	4.2.1	The main exhibit panel or area is defined in the rule as the largest area or panel in the packaging of a food product that will be facing the consumer when placed on a shelf. Products sold in bags are exempt from this criterion. The criteria for this area includes: 1) the raw or generic

		description of the product; 2) must be bilingual and if bilingual, font sizes and colors must be equal.
List of Ingredients	4.2.2	The list of ingredients must be in Spanish or bilingual. The ingredients may be placed anywhere on the package (sides, back or main exhibit panel). The list must be in descending order.
Net Content/Drained Mass	4.2.3	<p>The net content must be placed on the main exhibit panel. The "Net Content" legend must have space above and below it with at least the same height of the font. The space to the left and right must be the width of two characters of the same font. The thickness of the font must be at least 1/3 of the height of the font used.</p> <p>The content declaration must be stated in decimal units. When declaring the decimal values, use metric commas not periods (FOODEX), refer to NOM-08 (international units).</p> <p>The appropriate declaration is written in the following manner: contenido neto. Other approved abbreviations include – Cont. Neto, Cont.Net. and Contenido.</p>
Manufacturer's and Importer's Information	4.2.4	For imported products the manufacturer's information is optional for printing on the package. However, the importer must place the following information on the label: company name, address (street, "Colonia" industrial or residential area, delegation, state and zip code), and the tax I.D. number referred to as the "RFC". Importer's information may be placed on the product after importation but before the product is put on the shelf.
Country of Origin	4.2.5	The country of origin statement must be in Spanish anywhere on the package or label (English is optional, if desired, on a bilingual label). The statement must start with the words "Producto or Hecho" which means a "product of or made in". Authorized abbreviations for the United States are: E.U.A., EUA, E.E.U.U., EEUU or written out completely: Producto Estadounidense and Producto de los Estados Unidos de America.
Lot Number	4.2.6	Any lot number system is accepted according to the International Regulations (CODEX) or to specific norms. This information may be placed anywhere on the package of each selling unit. The accepted terminology is "Lote" or "lote de produccion" is recommended for some products and mandatory for other specific products.
Expiration Date	4.2.7	Any dating system is accepted according to the International Regulations (CODEX) or specific norms or according to the health law. The expiration date must be placed on each individual unit. This information may be situated anywhere on the package or label. The "preferred date of consumption" is mandatory depending on the product.
Nutritional Information	4.2.8	Nutritional information is voluntary, as of the date of publication. It is necessary if the manufacturer declares a qualitative or quantitative characteristic regarding the product. A nutritional table may be placed anywhere on

		<p>the package and must comply with NOM 86 or other product specific NOMs or health laws, and the percentages are defined by NOM 51.</p> <p>Nutrition Facts Information Box: Nutrition facts fonts, boxes, colors and sizes are not regulated.</p> <p>Energetic content needs to be declared in Kilojoules and calories.</p> <p>Currently this information can be printed bilingually.</p> <p>The RDA % (recommended daily allowance) must be according to Mexico's nutritional institute, which is different from the U.S.</p>
Preferred Date of Consumption	4.3.1	If expiration is three months or less, the month and day should be stated. If the expiration is more than three months the month and year should be stated.
Additional Nutritional Information	4.3.2	<p>Additional nutritional information must be declared (vitamins and minerals) if these items are 5% or greater than Mexico's RDA.</p> <p>Cooking instructions are mandatory for products that require preparation.</p>
Handling and Precaution terminology in Spanish		<p>Keep Frozen - Manténgase en Congelación a -18 C una vez descongelado. Prepárese para su consumo, no deber de volver a congelar</p> <p>Keep Refrigerated – Manténgase Refrigerado</p> <p>Shake before opening – Agítese antes de usar</p>
Forbidden legends or declarations		According to NOM 51, certain legends and/or marketing statements permitted in the U.S. may not be allowed in Mexico. For example, slogans or phrases that could confuse the consumer are not allowed (statements that cannot be proven (i.e. "lite" or "light) unless it is a trade mark).
Labeling for Foodservice		Food service is not regulated under NOM 51. The department of commerce in Mexico (SECOFI) does not require labeling, although it is recommended that at a minimum the label should include the product description, net content, handling instructions, lot number and expiration date.
Labeling for Bulk Products		Bulk products do no need to comply with NOM 51 if these items are sold and weighted in the presence of the consumer.

Source: Marketing Solutions Firm

## POST CONTACT AND FURTHER INFORMATION

If you would like to learn more about what services the U.S. Agricultural Offices (ATO) in Mexico can provide, please contact our office. Our email, telephone and fax numbers are

listed below. We look forward to working with you to promote exports of U.S. agricultural products to Mexico.

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